

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TRAVIS O'RION HORNE,

Plaintiff,

v.

8:25-CV-0144
(GTS/DJS)

TRI-STATE GARDEN SUPPLY, d/b/a Gardenscape, Inc.;
JOHN FRIOT, Gardenscape Supervisor/Manager;
DAVE KASMOCH, Tri-State Garden Supply Inc. –
President/Owner,

Defendants.

APPEARANCES:

TRAVIS O'RION HORNE
Plaintiff, *Pro Se*
5 Douglas Road
Gouverneur, New York 13642

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Travis O'rion Horne (“Plaintiff”) against Tri-State Garden Supply, its owner Dave Kasmoch, and Supervisor John Friot (“Defendants”) asserting claims of discrimination under the Americans with Disabilities Act (“ADA”), are United States Magistrate Judge Daniel J. Stewart’s Report-Recommendation recommending that Plaintiff’s claim against Defendant Tri-State Garden Supply may proceed, and that Plaintiff’s claims against Defendants John Friot and Dave Kasmoch be dismissed with prejudice. Plaintiff did not file an objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.)

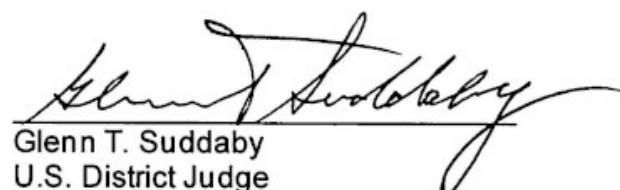
After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation¹. Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 4) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further
ORDERED that Plaintiff's ADA claims against Defendants Friot and Kasmoch are **DISMISSED** with prejudice; and it is further

ORDERED that Plaintiff's ADA claim against Defendant Tri-State Garden Supply survives this Decision and Order.

Dated: May 2, 2025
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks omitted).